

REMARKS

By the present amendment, the specification has been amended to correct an apparent typographical error and thereby improve its presentation. Entry of this amendment is respectfully requested.

In the Office Action, claims 1-16 were rejected under 35 USC § 103(a) as being unpatentable over the '565 patent to Katayama et al in view of the '185 patent to Katayama et al. Reconsideration of this rejection in view of the attached translation and the following comments is respectfully requested.

With regard to this rejection, it is to be noted that both of the patents to Katayama et al are assigned to the same assignee as the subject application and that the applications which issued as these patents would have been co-pending with the subject application if applicants herein were awarded benefit of the date of their Japanese priority application. To be co-pending with the cited patents, it is necessary to perfect the claim for priority in the subject application.

In particular, the patents to Katayama et al have issue dates of September 3, 2002, and August 5, 2003, whereas the subject application has a filing date in the U.S. of August 27, 2003. The subject application claims priority from a Japanese patent application

having a filing date of August 30, 2002, prior to the issue dates of the cited patents. To perfect the claim for priority in the subject application, submitted herewith is a verified English translation of the Japanese priority application.

A recent amendment to 35 USC § 103(c) became effective as to any application filed after November 29, 1999. This amendment provides that prior art effective under the provisions of 35 USC § 102(e), that is, a U.S. patent having a filing date prior to the filing date of the subject application, is no longer effective prior art if the two have the same assignee and were copending. Since the Katayama et al patents and the subject application are assigned to the same assignee and the basis for citation of the patent would be 35 USC § 102(e) if at least one of the patents issued after the filing date of the subject application, the above provisions of § 103(c) would apply. Consequently, since the claim for priority to the Japanese priority patent application has been perfected and this application provides adequate support for the subject matter claimed, the cited Katayama et al patents have been removed as effective references and the rejection obviated.

For the reasons stated above, withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 1 through 16 over the cited patents are respectfully requested.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

Serial Number: 10/648,473
OA dated October 6, 2005
Amdt. Dated January 5, 2006

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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Enclosure: Translation of Japanese Priority Document